



NATIONAL ASSOCIATION OF THE DEAF

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January 11, 2002

Federal Communications Commission
Office of the Secretary
Room TW-A325
445 Twelfth Street SW
Washington, DC 20554

**Re: WT Docket 01-309
Section 68.4(a) of the Commission's Rules
Governing Hearing-Aid Compatible Telephones**

Dear Ms. Salas:

The National Association of the Deaf (NAD) appreciates this opportunity to comment on the Commission's Notice of Proposed Rulemaking (NPRM) to re-examine exemptions for public mobile phones pursuant to the Hearing Aid Compatibility (HAC) Act of 1988.

Established in 1880, the NAD is the nation's oldest and largest consumer-based national advocacy organization safeguarding the civil and accessibility rights of deaf and hard of hearing individuals in the United States of America. Policy and legislative issues addressed by the NAD cover a broad range of areas, including education, employment, health care, human services, rehabilitation, telecommunications, and transportation.

The NAD very much appreciates the FCC's decision to consider re-examining the exemption of public mobile service phones, specifically digital wireless phones, from the requirements of the HACA.

We believe it is very important to note at the outset that digital cell phones are becoming central to the everyday lives of millions of Americans. Not only do they use these phones daily, but they also use them as a preferred vehicle for long-distance calling. This phenomenon appears to be a function of pricing plans (e.g., once a monthly fee is paid, long-distance is virtually cost-free to the consumer).

Given the fact that digital cell phones largely are displacing older analog cell phones, given the considerable monthly cost savings available on many digital calling plans, and given the ever-growing range of services and options available to customers with digital (but not analog) phones, the NAD is convinced that continued exemption of digital cell phones from the requirements of the HACA would not be justified.

In our comments we will answer questions posed in the NRPM in areas in which we believe we can contribute something to the Commission's review. We have been privileged to communicate with Self Help for Hard of Hearing People (SHHH) and know that that organization plans to submit more comprehensive comments. The NAD associates itself with those comments, which we believe offer important information for the Commission to consider.

1. Is Revoking the Exemptions in the Public Interest. The NAD firmly believes that the answer to this question is "Yes." As we indicated above (p. 1), digital cell phones are becoming indispensable tools. It is in the public interest that such tools be available not only to non-users of hearing aids or cochlear implants but also to users of such assistive technologies, given the feasibility of doing so (in 3., below, we argue that it is indeed feasible at this time). Among other things, digital cell phones can be used for a remarkable range of services (weather, sports scores, stock quotes, etc.) which are not possible with analog phones.

2. Would Continuing the Exemption have an Adverse Effect on Consumers who are Deaf or Hard of Hearing? The NAD knows the answer to this question is "Yes." Digital cell phones may be used for instant messaging (IM) and also for e-mail, in addition to some Internet surfing. The deaf and hard of hearing populations in the United States have taken to e-mail and IM to such an extent that use of these technologies increasingly displaces use of TTYs and dual-party relay services. These consumers are disadvantaged in employment, daily living and education if they cannot use wireless technologies -- as can their peers who are not hearing aid or cochlear implant users.

3. Feasibility of Compliance. Compatible digital cell phones do exist. There are several now on the market, including Nokia, Samsung, Motorola, and LG (formerly Lucky Goldstar) offerings. We believe that SHHH, in its comments, will provide additional factual information on this point. In addition, the NAD is aware that R&D to identify solutions to hearing aid compatibility issues with digital cell phones has produced feasible options. Notably, engineers with Ericsson in North Carolina have come up with a range of alternatives. We are not at liberty to describe those, which are proprietary with the company, but we have seen schematics and we have seen results of pilot testing.

The NAD is convinced that what the industry needs at this point is incentives to deploy feasible alternative solutions. As long as the current exemption remains in force, manufacturers are not being asked by service providers to deliver products that feature compatibility solutions.

4. Cost Issues. Information available to the NAD indicates that the costs associated with adoption of these alternatives as part of mass manufacture of digital cell phones would not be prohibitive. We also believe that consumers who are deaf or hard of hearing would

be quite willing to be patient as compatible digital cell phones roll onto the market, and, as typically occurs, cost more in the beginning than they do after initial roll-out.

Thank you.

Sincerely yours,

A handwritten signature in black ink that reads "Nancy J. Bloch". The signature is written in a cursive style with a long, sweeping tail on the "h".

Nancy J. Bloch
Executive Director